

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Pacific Bell Telephone Company (U-1001-C)

Complainant,

v.

Pac-West Telecomm, Inc. (U-5266-C)

Defendant.

Case 03-10-037  
(Filed October 14, 2003)

**ADMINISTRATIVE LAW JUDGE'S RULING ON WITHDRAWAL OF AMENDED  
ANSWER AND FILING OF NEW COMPLAINT**

On October 14, 2003, Pacific Bell Telephone Company, doing business as SBC California, filed the above-titled complaint. With leave from the undersigned Administrative Law Judge (ALJ), on January 15, 2004, Pac-West Telecomm, Inc. (Pac-West) filed a Cross-Complaint against SBC California, and then retitled<sup>1</sup> and re-filed the pleading as Amended Answer and Affirmative Defenses on January 23, 2004. However, neither party felt that the pleading could be adequately addressed as retitled.

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<sup>1</sup> At the request of the ALJ

After discussion, SBC California and Pac-West jointly agreed<sup>2</sup> to the approach set forth below as a mutually acceptable way that Pac-West's January 15<sup>th</sup> pleading could be accepted and processed by the Commission.

Accordingly, **IT IS RULED** that:

1. By January 30, 2004, Pac-West Telecomm, Inc. shall withdraw its Cross-Complaint filed on January 15, 2004, including its re-filing on January 23, 2004 titled as an Amended Answer and Affirmative Defenses, and shall file that document unchanged (except for the title and references to the document as a cross-complaint) as a complaint initiating a new proceeding.

2. SBC California's answer to that new complaint, as well as SBC California's reply supporting its motion for summary judgment in this proceeding, shall each be due on February 17, 2004.<sup>3</sup>

3. The new complaint will be consolidated with Case 03-10-037.

Dated January 29, 2004, at San Francisco, California.

/s/ JACQUELINE A. REED

Jacqueline A. Reed  
Administrative Law Judge

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<sup>2</sup> By letter dated January 28, 2004.

<sup>3</sup> February 16, 2004 is a holiday.

**CERTIFICATE OF SERVICE**

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling on Withdrawal of Amended Answer and Filing of New Complaint on all parties of record in this proceeding or their attorneys of record.

Dated January 29, 2004 at San Francisco, California.

/s/ ELIZABETH LEWIS  
Elizabeth Lewis

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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